

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.54119 of 2007

ASHOK KUMAR son of Ganesh Kumar
RAM BINAY KUAR son of late Babu Kuar,
Both resident of village- Bauriya, P.S.- Piprahi,
District- Sheohar

Versus

THE STATE OF BIHAR

4 **07.11.2008** Heard learned counsels for the petitioners and the State.

Petitioners are accused for the offence under section 302/34, 120B of the Indian Penal Code and section 27 of the Arms Act.

The allegations against the petitioners are to the effect that on their orders the other co-accused persons fired with pistol over the husband of the informant which led to his death.

It has been submitted on behalf of the petitioners that they are merely the order givers and not the assailant. It is further submitted that police upon investigation submitted the final form, however the learned Magistrate took cognizance of the offence against these petitioners as well ever before submission of the final form when further investigation was continuing.

Learned Addl. P.P. appearing for the State as well as the counsel appearing for the informant opposes the prayer for bail and submits that specific allegation are against these petitioners who were carrying the illegal

arms and on their orders the other co-accused persons fired which led to the death of the husband of the informant. It is further contended that while the charge sheet was submitted against other co-accused persons the learned Magistrate upon going through the materials available till that date took cognizance of the offence against these petitioners. It is further submitted that in view of the nature of allegation and its seriousness the petitioners are not entitled to be granted the privilege of anticipatory bail.

Considering the submissions, as noticed above, and the materials brought on record, I am not inclined to grant the privilege of anticipatory bail to these petitioners. There prayer for grant of anticipatory bail is, accordingly, rejected.

Manish/-

(Shailesh Kumar Sinha,J.)

